REMARKS

Reconsideration of the various obviousness rejections is respectfully requested. No amendments have been made to the claims.

Main claim 21 recites the positioning of a plurality of access nodes of a local area network "at fixed, spaced-apart locations" throughout a venue. When a customer travels through the venue with a portable terminal, he or she may come within range of node 12 (see Fig. 2), at which point the network knows the physical location of the terminal and the customer, e.g., outside a "Gap" store. When the customer walks to within range of node 14, the network knows that the customer is now outside a "Sears" store.

In brief, it is the "fixed, spaced-apart locations" that determines the position of the customer in the venue. The customer need take no affirmative action. These locations are determined in advance, for example, by mounting the nodes overhead at specific positions on the ceiling of the venue. Data relevant to the position of the terminal is then delivered to the terminal.

U.S. Patent No. 6,386,450 to Ogasawara discloses no spaced-apart locations at which access nodes are employed for detecting the position of a customer. Instead, the "customer" must advise the network of Ogasawara '450 of his or her current location.

Specifically, as explained at col. 8, line 60 through col. 9, lines 20 of Ogasawara '450, the customer must scan an item's UPC bar code to identify the item to a store network. Thereupon, the position of the item is retrieved from a store database. It is "assumed" (col. 9, line 20) that the position of the customer is the same as that of the item being scanned.

Clearly, Ogasawara '450 employs no nodes for detecting customer position, but instead, requires the customer to tell the network where he or she is. If the item being scanned is not in the location stored in the database, then the customer is, as far as the network is concerned, "lost".

The Examiner relied on U.S. Patent No. 4,789,983 to Acampora to teach that it is known to position access nodes throughout a venue, and to detect customers proximally located relative to such nodes. This is erroneous. Acampora does not detect customer position, and certainly not by using access nodes.

As previously argued, the "users" 10-19 depicted in Fig. 1 of Acampora are not customers, but are "a data device, a printer, a personal computer, a host computer, a telephone, etc.", as stated at col. 3, lines 16-20. Acampora has nothing to do with customers or people, or detecting their locations, or to recommending transactions to customers, but instead, simply discloses a topology for a communications system. There is only node 30, not a plurality of nodes. The single note 30 does not detect the position of anything or anyone. Most of the "users" 10-19 are not even movable, for example, as shown in Fig. 1, users 10, 11 are hard-wired by cable 26 to a concentrator; and users 12, 13 are hard-wired by another cable 26 to another concentrator. As for the wireless users, again, the positions of users 18-19, for example, relative to node 30 cannot be determined or distinguished because they share the same link 27.

Reconsideration of the rejection of main claim 21 is therefore respectfully requested, because neither Ogasawara '450, nor Acampora, either alone or in combination, discloses nodes spaced-apart at fixed locations for determining the location of a customer in a venue.

Newly cited U.S. Patent No. 6,513,015 to Ogasawara is not relevant, since it discloses no such spaced-apart nodes. A customer's picture is taken upon entering a store, and the picture is processed to confirm the customer's identity.

Allowance of claims 21-25 is respectfully requested.

Respectfully submitted,

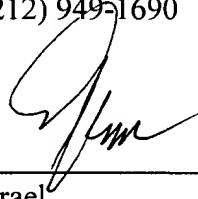KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.
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